

REMARKS

Reconsideration of this application, and the rejection of claims 1-10, 12-16, 18 and 20 are respectfully requested. Applicant has attempted to address every objection and ground for rejection in the Office Action dated March 31, 2005 over (Paper No. 20050319) and believes the application is now in condition for allowance or in better form for appeal. Since the claims have been amended to place the application in better condition for allowance, or appeal, Applicant respectfully requests that the Amendment be entered.

Claims 1-7, 9-10, 12-18 and 20-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hays et al. (U.S. Patent Application Publication No. 2003/0145799). Applicant traverses the rejection as it applies to independent claims 1 and 12, and also their respective dependent claims 2-7, 9-10, and 13-16.

With respect to claims 18 and 20, Applicant amended these claims to depend from allowed claim 19. Therefore, the rejection is moot as it applies to these claims. Claims 17 and 21 are cancelled.

In the rejection of claims 1 and 12, the Examiner cites Hays as disclosing in Figs. 9-10 a kennel that includes a gate panel 312, a door 313, and a door frame member 320 directly and rotatably attached to a boss of the doorway frame member 308. Applicant respectfully traverses the Examiner's assertion that the doorframe member 320 of Hays is "directly" attached to a boss of a doorway frame member 308.

As shown in Fig. 7, for example, Hays discloses using lower corners 116 and bolts 118 to connect vertical frame members to horizontal frame members of the gate panel

312. Each end of the rotating post 320 shown in FIG. 9 of Hays is also respectively connected to upper and lower corners. The upper and lower corners receive upper and lower clamp members, which the Examiner identifies as “bosses”. Therefore, the upper and lower corners act as an intermediary to prevent the rotating post 320 from being directly attached to the “bosses”.

In contrast, as shown in Fig. 6 of the present application, for example, a pair of bosses 128a, 133a engage the rotating vertical frame member 126 at ends 131 and 132. More specifically, claim 1 calls for, among other things, “a door configured for opening and closing said doorway and having at least one door frame member directly and rotatably attached to said boss of said doorway frame member”. Thus, claim 1 requires direct attachment of the door frame member to the boss. Similarly, claim 12 calls for, among other things, “a door configured for opening and closing said doorway and having at least one door frame member directly and rotatably secured to said one or more bosses of said at least one doorway frame member”. Since Hays fails to show direct attachment of a door frame member to a boss, the §103 rejection should be withdrawn.

In addition to the above, the present invention has certain advantages compared to Hays. Claims 1 and 12 require at least one doorway frame member to have at least one boss formed therewith. The bosses 128a, 128b and 133a, 133b of the present invention are formed with the horizontal frame members 121 and 122, respectively. This integrally formed structure allows the doorway to be more easily assembled compared to the non-integrally formed structure of Hays because there are less components (i.e., no upper and lower corners

as in Hays) to assemble the doorway. Furthermore, FIG. 9 of Hays shows the “bosses” as separately attached clamp members that appear to be slid onto the horizontal doorway frame members. Hays teaches a structure that is more complicated to assemble and potentially less secure, in the event that the clamp members become loose over time. Also, it would be more difficult to properly position the door in the doorway using the clamp members of Hays upon any lateral movement of the clamp members along the horizontal doorway frame members.

In the present application, however, the bosses are provided at fixed positions and cannot move because they are formed with the horizontal frame members. This structure advantageously allows for consistent and more efficient assembly of the door and doorway, unlike Hays. Since Hays cannot achieve these advantages, withdrawal of the §103 rejection of independent claims 1 and 12, and their respective dependent claims for these additional reasons is respectfully requested.


Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Hays in view of Broski (U.S. Patent No. 4,422,622). Applicant traverses the rejection for the reasons recited above with respect to the rejection of claim 1, and also because Broski fails to remedy the deficiencies noted above. Withdrawal of the §103 rejection is respectfully requested.

For all of the foregoing reasons, Applicant submits that this Application is in condition for allowance, which is respectfully requested. In the alternative, the application is

submitted to be in better form for Appeal. The Examiner is invited to contact the undersigned attorney if an interview would expedite prosecution.

Respectfully submitted,

GREER, BURNS & CRAIN, LTD.

By: 
Joseph P. Fox
Registration No. 41,760

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300 South Wacker Drive, Suite 2500
Chicago, Illinois 60606
Tel. (312) 360-0080
Fax (312) 360-9315
Customer No. 24978